

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.517 OF 2006

Office Notes, Office
Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders
or directions and
Registrar's orders

Mr.R.A.Yadav for the petitioner.

Mr.S.R.Shinde APP for the State.

Coram : R.S.Mohite, J

Date : 23.3.2006.

PC

1. Heard. Rule. By consent
rule made returnable forthwith.

2. The challenge in this
petition is to a show cause
notice issued under Section 111
of Cr.P.C. On perusal of the
notice, it is seen that the said
has been issued by the Special
Executive Magistrate, Worli
division, Mumbai on the sole
basis of one non cognizable
offence. The said non
cognizable offence has been
registered on the basis of the
complaint of one Jayshree A.
More and the alleged non
cognizable offence pertains to

personal quarrel. This Court in the case of **Perswami Vs. Senior Inspector of Police** reported in **2003(4) Mh.L.J. 703** has clearly laid down that the object of section 107 is to protect public tranquillity and to prevent possibility of any disturbance to public peace. Domestic quarrels, petty quarrels between neighbouring persons cannot be subject matter of actions to be taken under Section 107. In that case this Court quashed notice under Section 111 which related solely to a private dispute. The ratio of that case is clearly applicable to the facts of the present case.

3. In the circumstances, rule is made absolute in terms of prayer clause-(b). The interim bond which may have been taken under Section 116(3) will also stand cancelled. Petition stands disposed of finally.

(R.S.Mohite, J)